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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,197	09/16/2003	Philippe Arlon	1948-4816	5571
27123	7590	06/07/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			HAN, JASON	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/665,197	Applicant(s) ARLON ET AL.	
	Examiner Jason M. Han	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-24 is/are rejected.
- 7) ☒ Claim(s) 7-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/1/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings are objected to because Figure 16 is poorly portrayed. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. Color photographs and color drawings are not accepted unless a petition filed under 37 CFR 1.84(a)(2) is granted. Any such petition must be accompanied by the

Art Unit: 2875

appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawings section of the specification:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings and black and white photographs have been satisfied. See 37 CFR 1.84(b)(2).

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "Figure 14" and "Runner 36". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is

requested in correcting any errors of which applicant may become aware in the specification.

6. The disclosure is objected to because of the following informalities: The title has several typographical errors. Appropriate correction is required.

7. Numerous grammatical errors are replete throughout the application. The examiner has forgone any correction due to the amount, and the specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

#### ***Claim Objections***

8. Claim 1 is objected to because of the following informalities: Applicant recites the pronoun, "their", in line 6 of the claim. Applicant should positively recite the structure(s) and avoid such pronoun use. Appropriate correction is required.

9. Claim 14 is objected to because of the following informalities: Grammatical error – "exerted on one at least of the parts" should read as "exerted on at least one of the parts" or similarly. Appropriate correction is required.

10. Claim 16 is objected to because of the following informalities: Applicant recites the pronoun, "their", in line 5 of the claim. Applicant should positively recite the structure(s) and avoid such pronoun use. Appropriate correction is required.

11. Claim 18 is objected to because of the following informalities: Applicant recites the pronoun, "its", in line 2 of the claim. Applicant should positively recite the structure(s) and avoid such pronoun use. Appropriate correction is required.

Art Unit: 2875

12. Claim 19 is objected to because of the following informalities: Applicant recites the pronoun, "their", in line 3 of the claim. Applicant should positively recite the structure(s) and avoid such pronoun use. Appropriate correction is required.

13. Claim 24 is objected to because of the following informalities: Applicant recites the limitation, "frangible elements", which lacks antecedent basis. Applicant should remain consistent in language and use the term "frangible means". The examiner has assumed the position in the rejection below to read: "wherein the frangible means absorb only part of the energy of the impact suffered by the headlight, and wherein they are associated with at least one compressible element of the foam type". Appropriate correction is required.

14. Claim 24 is objected to because of the following informalities: Applicant recites the pronoun, "they", in line 3 of the claim. Applicant should positively recite the structure(s) and avoid such pronoun use. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

15. Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

16. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent

protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949).

17. Claim 1 recites the broad recitation "which headlight comprises frangible means of linking the headlight", and the Claim also recites "in particular the casing to the chassis" which is the narrower statement of the range/limitation.

18. Claim 3 recites the broad recitation "the casing is reinforced", and the Claim also recites "in particular mechanically, in the vicinity of said rupture zone" which is the narrower statement of the range/limitation.

19. Claim 4 recites the broad recitation "a succession of predetermined rupture zones capable of breaking successively during an impact suffered by the headlight", and the Claim also recites "said zones being in particular adjacent to one another" which is the narrower statement of the range/limitation.

20. Claim 6 recites the broad recitation "between 20 and 150 mm", and the Claim also recites "preferably between 20 and 50mm" which is the narrower statement of the range/limitation.

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The following claims have been rejected by the prior art in light of the specification, but rendered the broadest interpretation as construed by the examiner [MPEP 2111].

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***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

21. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Tomforde (U.S. Patent 4475148).
22. With regards to Claim 1, Tomforde discloses a motor vehicle headlight including:
- A casing [Figure 2: (3, 6)] enclosing at least one light source and fixed on a chassis [Figure 2: (4, 13, 15)];
  - Frangible means [Figure 2: (7)] of linking the headlight via connecting the casing to the chassis;
  - Whereby said means are able to absorb in the course of rupture [Figure 2: (16)] at least part of the energy of an impact suffered by the headlight [Abstract].



Art Unit: 2875

23. With regards to Claim 2, Tomforde discloses the linking means including at least one predetermined rupture zone [Figure 2: (16)].

24. With regards to Claim 3, Tomforde discloses the casing [Figure 2: (3, 6)] being mechanically reinforced [Figure 2: (11)] in the vicinity of the rupture zone.

25. With regards to Claim 4, Tomforde discloses the linking means including a succession of predetermined rupture zones [Figure 2: (16)] capable of breaking successively during an impact suffered by the headlight, whereby said zones are adjacent to one another.

26. With regards to Claim 5, Tomforde discloses the linking means including a brace [Figure 2: (11)] interposed between the casing and the chassis, and furnished with a series of collars [Figure 2: adjacent (16)] capable of breaking successively as a result of the bearing of the casing.

27. Claims 1, 11-17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Maeda (U.S. Publication 2001/0022729).

28. With regards to Claim 1, Maeda discloses a motor vehicle headlight including:

- A casing [Figure 1: (10)] enclosing at least one light source and fixed on a chassis [Figures 1-2: (3)];
- Frangible means [Figure 1: (21)] of linking the headlight via connecting the casing to the chassis;
- Whereby said means are able to absorb in the course of rupture at least part of the energy of an impact suffered by the headlight [Figures 4-5].

Art Unit: 2875

29. With regards to Claim 11, Maeda discloses the linking means including a fixing member [Figure 2: (22)] able to tear under the effect of an impact suffered by the headlight.

30. With regards to Claim 12, Maeda discloses the fixing member including a series of zones [Figures 1, 4, 5: (22)] able to tear successively during an impact suffered by the headlight.

31. With regards to Claim 13, Maeda discloses the fixing member [Figures 1, 4, 5: (22)] including a zone able to tear progressively during an impact suffered by the headlight.

32. With regards to Claim 14, Maeda discloses the fixing member including two parts fixed [Figures 1, 4, 5: (7, 8, 9, 25)] respectively to the casing and to the chassis, whereby the parts are connected by at least one series of frangible bridges [Figures 1, 4, 5: (22)] capable of breaking under the effect of a traction exerted on at least one of the parts.

33. With regards to Claim 15, Maeda discloses the two parts being connected by two parallel series of frangible bridges [Figures 1, 4, 5: (22) – defined by the left and right sides of Figure 1].

34. With regards to Claim 16, Maeda discloses the fixing member including at least two parts [Figures 1, 4, 5: (7, 8, 9, 25)] fixed respectively to the casing and to the chassis, whereby the parts are delimited by a notch [Figure 1: (22)] over all or part of the length thereof, and where said notch guides the tearing between the two parts under the effect of a traction exerted on one of said parts [Figures 4-5].

35. With regards to Claim 17, Maeda discloses the fixing member including three adjacent parts [Figure 1: (7/8/9, 22, and the area of (21) adjacent (6)], whereby the middle part is delimited with respect to the other two by a notch [Figure 1: (22)].

36. With regards to Claim 19, Maeda discloses frangible bridges [Figure 1: (22)] having less mechanical strength locally due to a reduction in cross-section.

37. Claims 1 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Scrivo et al. (U.S. Patent 4213644).

38. With regards to Claim 1, Scrivo discloses a motor vehicle headlight including:

- A casing [Figure 2: (18)] enclosing at least one light source and fixed on a chassis [Figure 2: (26)];
- Frangible means [Figure 2: (12, 20, 22)] of linking the headlight via connecting the casing to the chassis;
- Whereby said means are able to absorb in the course of rupture at least part of the energy of an impact suffered by the headlight.

39. With regards to Claim 24, Scrivo discloses the frangible means [Figure 2: (12, 20, 22)] absorbing only part of the energy of the impact suffered by the headlight, whereby the frangible means is associated with at least one compressible element of the foam type [Figure 2: (12)].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2875

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

40. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda (U.S. Publication 2001/0022729) as applied to Claim 14 above, and further in view of Tomforde (U.S. Patent 4475148).

Maeda discloses the claimed invention as cited above, but does not specifically teach the casing including means for guiding displacement thereof with respect to the chassis during the rupture of the frangible bridges or the tearing along the notch or notches (re: Claim 18), nor teaches said guiding means forming a pivot link between the casing and the chassis (re: Claim 20).

Tomforde teaches a guiding means including a pivot link [Figure 2: (4, 5)] for the displacement between a casing and chassis during the rupture of a linking member/frangible bridges [Figure 2: (7)].

It would have been obvious to one ordinarily skilled in the art at the time of invention to modify the vehicle headlight of Maeda to incorporate the guiding pivot link of Tomforde, so as to provide further support to the headlight during a collision/impact, and thus, preventing said headlight from totally dismembering from the vehicle.

41. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomforde (U.S. Patent 4475148).

Tomforde discloses the claimed invention as cited above, but does not specifically teach the linking means further including a functional member (re: Claim 21) of the vehicle, such as an air filter (re: Claim 22) or a screen washer liquid reservoir (re: Claim 23).

However, it would have been an obvious matter of design choice to modify the headlight of Tomforde to incorporate, in combination, the functional member (e.g., air filter, screen washer liquid reservoir), since applicant has not disclosed that the combination solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well without the functional member. Applicant is merely combining the claimed apparatus (Claim 1) with well-known components associated with motor vehicles.

***Allowable Subject Matter***

42. Claims 7-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

43. The following is a statement of reasons for the indication of allowable subject matter:

44. With regards to Claim 7, applicant recites the limitation, "a cleat mounted moveably in a runner and, on the other hand, a row of stops able to be broken successively by the cleat during an impact suffered by the headlight", whereby the prior art fails to teach or suggest the combination of structural elements disclosed and claimed herein, and all subsequent dependent claims are allowed.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art pertinent to the current application, but are not considered exhaustive:

US Patent 4387920 to Slaughter et al;

US Patent 5597232 to Ohashi et al;

US Patent 6190030 to Chase;

US Patent 6450676 to Maeda et al;

US Patent 6471386 to Oh;


US Patent 6478456 to Eichhorn et al;

US Publication 2003/0142503 to Ericsson et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Stephen Husar  
Primary Examiner